IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4065 OF 2005

Harishchandra @ Harsha Dudhasha
Bhosale and another. ... Applicants.
Versus.
The State of Maharashtra. ... Respondent.

Shri R.S.Kate for the Applicants.

Ms.Rajashree Gadhvi, A.P.P.for the Respondent-State.

CORAM : ABHAY S. OKA, J.

DATED : 5th July, 2005.

P.C.:

1. Heard Shri Kate for the Applicants and the learned A.P.P. for the State. Though there appears to be some delay in registering the offence there are two dying declarations recorded of the deceased on the date of the incident i.e. 16th March 2005. The dying declarations fully support the case of the prosecution. In the dying declarations the deceased has stated that the Applicants who were under the influence of liquor came to her house around 4.30 to 4.45 p.m. and by pulling her saree expressed desire to have sexual intercourse with her. The deceased fought with the Applicants and in order to escape she entered the kitchen. The deceased stated to the Applicants that if they did not leave the house, she would burn herself by pouring kerosene. However, the Applicants again attempted to get hold of the deceased and as a result the deceased poured kerosene on her

person and lighted a match stick. The fire was extinguished by her husband's sister.

2. Both the dying declarations are consistent and they are sufficient to show complicity of the Applicants. Considering the seriousness of the allegations against the Applicants, there is no reason to take a different view from the view taken by the learned Addl.Sessions Judge. Hence the Application is rejected. Liberty to the Applicants to apply for expeditious hearing of the case.

Judge.